



U.S. Department of Justice

United States Attorney
Northern District of Ohio

United States Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113-1852

June 14, 2019
Via Fed Ex

Christos N. Georgalis
Flannery Georgalis
30th Floor
1375 East Ninth Street
Cleveland, OH 44114

Re: *United States v. Kenneth Tyson Case No. 1:18CR708*

Dear Counsel:

We write in response to your May 8, 2019 discovery request. In this request, you request seven categories of information relating to Mike Riley. The government's response is as follows:

1. **Request:** Produce the entire case file, including any and all communications and documents, in the possession, custody, and control of any local, state, and federal investigators, agents, lawyers, and prosecutors involved in any criminal, civil, administrative, or regulatory investigation or prosecution of Mike Riley or his businesses, including Arco Recycling (hereinafter, "All Other Matters"). This request specifically and explicitly includes, but is not limited to, all email, text message, and voicemail communications regarding this matter or All Other Matters. The request specifically and explicitly also includes, but is not limited to, the U.S. Environmental Protection Agency and its involvement with Arco Recycling.
Response: The government has nothing to provide responsive to this request. Either the Defendant is not entitled to the document under Rule 16 or the document requested is not in the possession of the prosecution team.
2. **Request:** Produce any and all agreements, whether executed or unexecuted, draft or in final form, and documents relating to said agreements, in this matter or All Other Matters, regarding the cooperation of, substantial assistance by, or any other benefit conferred to, Mike Riley and his businesses, including but not limited to, nonprosecution agreements, deferred prosecution agreements, diversions, proffer agreements, and the like.
Response: The government has nothing to provide responsive to this request at this time. Either the requested document does not exist or it will be provided with the government's *Jencks* production.
3. **Request:** Produce any and all tax related documents and filings, or lack thereof, IRS/DOJ Tax generated reports or memoranda, loan documents, financial information, credit

history, bank records and financial statements, and/or bankruptcy filings regarding Mike Riley and his businesses.

Response: The government has nothing to provide responsive to this request. Either the requested document does not exist, Defendant is not entitled to the document under Rule 16, or the document requested is not in the possession of the prosecution team.

4. **Request:** Produce any and all oral, written, transcribed, or otherwise recorded statements of Mike Riley, whether sworn under oath or not. This includes, but is not limited to, depositions, probate filings, or notarized documents.

Response: The government has nothing to provide responsive to this request at this time. Either the requested statement does not exist or it will be provided with the government's *Jencks* production.

5. **Request:** Produce any and all medical records that reflect upon Mike Riley's memory, mental state, or head trauma.

Response: The government has nothing to provide responsive to this request. The information requested either does not exist or is not in the possession of the prosecution team.

6. **Request:** Produce any and all of Mike Riley's criminal history reports, probation and prison records, accomplice and/or co-conspirator identifying information, and addresses of residence and associated dates of residence of said accomplices and coconspirators.

Response: The government has nothing to provide responsive to this request at this time. Either the requested document does not exist or it will be provided with the government's *Jencks* production.

7. **Request:** Produce any and all of Mike Riley's criminal history reports, probation and prison records, accomplice and/or co-conspirator identifying information, and addresses of residence and associated dates of residence of said accomplices and coconspirators.

Response: The government has nothing to provide responsive to this request. The requested document either does not exist or it is work product that the Defendant is not entitled to under Rule 16.

You also made a blanket request for all of the above documents as they relate to Mike Smedley, Joe Mazzola, Vernon Wright, Latasha Atteberry, Jason Strzala, Ralph Cruz, and others. The government's response is the same as noted above, either the requested documents do not exist, are not in the possession of the prosecution team, are not discoverable under Rule 16, or will be provided with the government's *Jencks* production.

Additionally, you referenced additional previous discovery requests. The government's responses to these additional discovery requests are as follows:

- **Original Request 5:** The complete files—including but not limited to all reports, correspondence, other communications (including emails), notes, and working papers—of all audits of the Cuyahoga County Land Reutilization Corporation (hereinafter, the “Land Bank”) related to funds received through the Troubled Asset Relief Program (hereinafter, “TARP”) conducted by the U.S. Department of Housing and Urban Development (hereinafter, “HUD”), the Office of the Special Inspector General for the

Troubled Asset Relief Program (hereinafter, "SIGTARP"), the Ohio State Auditor, and/or any other State or federal agency.

Response: The government has nothing to provide responsive to this request. Either the requested document does not exist or the requested document is not in the possession of the prosecution team.

- **Original Request 6:** The complete files—including but not limited to all reports, correspondence, other communications (including emails), notes, and working papers—of all audits of the Land Bank related to funds received from other (non- TARP) City, County, State, or federal programs, whether conducted by HUD, SIGTARP, the Ohio State Auditor, or another State or federal agency.

Response: The government has nothing to provide responsive to this request. Either the requested document does not exist or the requested document is not in the possession of the prosecution team.

- **Original Request 7:** A detailed description of the procedures and mechanisms through which the Land Bank allegedly received HUD Neighborhood Stabilization Funds ("NSP2 funds") between January 2013 and January 2014.

Response: The government has nothing to provide responsive to this request. Either the requested document does not exist or the requested document is not in the possession of the prosecution team. The government anticipates that any information responsive to this request will be provided through witness testimony at trial.

- **Original Request 8:** Any and all budget documents, accounting books, interim and annual financial reports, policy and training documents, and internal-control procedures of the Land Bank.

Response: The government has nothing to provide responsive to this request. Either the requested document does not exist or the requested document is not in the possession of the prosecution team.

- **Original Request 9:** The identity of any and all sources of information (hereinafter, "SOI") that are or were key witnesses or part of the prosecution team, or who played an active role in the events underlying Defendant's alleged criminal liability, and any written communications between prosecutors and law-enforcement agents and any such SOI.

Response: The government has nothing to provide responsive to this request at this time. Either the Defendant is not entitled to the information or communication under Rule 16 or it will be provided with the government's *Jencks* production.

- **Original Request 10:** We requested any and all financial records for cooperating witnesses or SOIs, including but not limited to bank statements, checks, and invoices. We have received financial records from On Call Plumbing, Drain Guru, and CLB Services. But we have not received financial records for parties like Michael Riley, RCI Services, Mike Smedley, Joe Mazzola, Chrissy Beynon, Latasha Atteberry, Jason Strzala, Chris Lurz, John Pappas, Ralph Cruz, and Trapp Masonry & Concrete (beyond a screenshot of a check that is essentially illegible).

Response: Please find enclosed a disk [Bates Range TYSON_005239 to TYSON_006067], containing bank records for Trapp Masonry & Concrete, RCI

Services, and Latasha Atteberry. You previously received in the government's second discovery production PNC Bank records relating to Drain Guru for the time period of July 1, 2013 until December 2, 2013. The government is also providing on a separate disk additional PNC Bank records from July 1, 2013 until August 1, 2016 related to Drain Guru. The government has nothing additional to provide responsive to this request at this time. Either the Defendant is not entitled to the additionally requested document under Rule 16, it does not exist, or it is not in the possession of the prosecution team.

- **Original Request 11:** The full names of all individuals listed in the Indictment by initials only.

Response: The government has nothing to provide responsive to this request at this time. As evidenced by "Original Request 10," either the Defendant already has knowledge of this information or it will be provided with the government's *Jencks* production.

Lastly, you requested the telephone analysis and information regarding the telephone analysis conducted by law enforcement of the AT&T phone records that were previously provided. The Defendant is not entitled to this analysis under Rule 16 as it is work product. The Defendant is entitled to the underlying records, which were previously provided. Therefore, the government has no additional documents to provide responsive to this request.

Also, included as supplemental discovery are the point of sale inspection for 1210 Castleton Road and an email. These documents as well as the documents provided in response to "Original Request 10" are encrypted with a case sensitive password, which will be emailed to you. If you have any technical difficulties, please contact Paralegal Tiffany Smedley at (216) 622-3691. Please note that all documents enclosed are subject to the terms of the protective order signed by Judge Boyko on February 12, 2019.

This letter also serves as the government's request for reciprocal discovery. Pursuant to Federal Rule of Criminal Procedure 16(b), the government requests of the defendants all discovery to which the government is entitled under the Rule. Pursuant to Rule 12.1(a)(1), the government also requests notification of any intended alibi defense as to the crimes alleged in the Indictment in this case.

Sincerely,



Carmen E. Henderson
Chelsea S. Rice
Assistant United States Attorneys
(216) 622-3967/3752

Enclosures

2 disks